

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHRISTINA MOORE,

Plaintiff,

v.

KEITH FAGUNDES,

Defendant.

Case No. 1:23-cv-0846 JLT EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
COMPLAINT WITHOUT LEAVE TO
AMEND, AND DIRECTING THE CLERK OF
COURT TO CLOSE THIS CASE

(Doc. 6)

Christine Moore seeks to hold Keith Fagundes, former Kings County District Attorney, liable for violating her civil rights pursuant to 42 U.S.C. § 1983. Plaintiff asserts Defendant failed to file a proper information in a state criminal case. (*See generally* Doc. 1.) Plaintiff requests the Court dismiss the state case and order Kings County “to adopt appropriate policies related to the hiring and supervision of its police officers and sheriffs.” (*Id.* at 5.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 4, 2023, the assigned magistrate judge screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915. (Doc. 6.) The magistrate judge found Plaintiff failed to state a cognizable claim and recommended the complaint be dismissed. (*Id.* at 2-4.) In addition, the magistrate judge recommended dismissal without leave to amend, because leave to amend would be futile. (*Id.* at 4.) These Court served the Findings and Recommendations on Plaintiff and notified her that any objections were due within 21 days. (*Id.*) The Court also advised her that the “failure to

1 file objections within the specified time may result in waiver of rights on appeal.” (*Id.*, citing
2 *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394
3 (9th Cir. 1991).) No objections were filed, and the time to do so has expired.

4 Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this case.
5 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
6 are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

- 7 1. The Findings and Recommendations issued on October 4, 2023 (Doc. 6) are
8 **ADOPTED** in full.
- 9 2. Plaintiff’s complaint is **DISMISSED** without leave to amend.
- 10 3. The Clerk of Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: **November 8, 2023**

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14 UNITED STATES DISTRICT JUDGE